Nada Smith

Q. Either one.

A. I know that he didn't sign it blank. It was full.

Q. How do you know that?

A. Because the paperwork was full. Because Julio, before he handed him the paperwork to sign, it was all stacked up beside him. I don't remember what it was exactly. I know the contract was one of them.

Q. Which contract?

A. The M&T one. The retail installment contract.

Q. Exhibit C?

A. Exhibit C, yes.

Q. So what were you saying about Defendant's Exhibit C?

A. I know that Exhibit C, Exhibit B, the DMV paperwork, and the other paperwork was all in that office. I don't know which one he was signing exactly, but I remember that they were all full. And I remember seeing all the paperwork that needed to be signed. But I don't know if he signed the contract before I went in or after. But I know it was full.

Nada Smith

Q. So you're saying he could have signed blank papers and then it could have been printed out after?

A. No, I never said that.

Q. Is that true?

A. No, that wouldn't happen.

Q. You assume it wouldn't happen, but you don't know as to Mr. Tuhin's case specifically, from what you saw yourself?

A. No, I know for a fact, because I saw all the paperwork. It was full. I remember seeing this one and another -- it was a few copies of the bill of sale, Exhibit C, and other documents that were there. They were all completely full, and he was signing. Like I said, I don't know if he signed it before I walked into the office and Julio had put it aside, or if he was getting ready to sign them.

Q. Okay. We kind of got back and forth a few times on the question, so I just want to make sure I'm entirely clear.

Do you remember seeing Exhibit B when you saw Mr. Tuhin the first time he was there? Do you remember seeing Exhibit B?

Nada Smith

A. Yes. I don't remember seeing exactly what it said, but I remember seeing it completed.

Q. By "completed," you mean what?

A. Printed out like that.

Q. With information about the service contract and so forth?

A. Yes. But I don't -- I didn't see the numbers or anything like that.

Q. What would you call Exhibit B? What kind of document is it?

A. Bill of sale.

Q. Bill of sale?

A. Yes.

Q. This was two years ago, almost two years ago. Talking about Exhibit C, do you remember being in the room for just a few -- how long were you in the room for?

A. Probably two minutes or a minute.

Q. Okay. And what was the reason you went into the room?

A. I had to get something. I don't remember what it was.

Q. Nothing to do with Mr. Tuhin?

Nada Smith

A. No.
Q. So you go into the room almost two years ago for a minute or two to grab something for another matter. Are you saying that you specifically remember seeing, for example, Exhibit C, fully completed?
A. Yes.
Q. Are you saying from your one or two minutes going into the office for another matter, that you specifically remember seeing Exhibit B fully completed?
A. Yes.
Q. Did New York Motor Group have consumers sign multiple bills of sale?
A. Yes.
Q. Why?
A. It was different copies that went to different departments, sent to different departments.
Q. But the numbers would be the same?
A. Yes, they should all be the same.
Q. I'm showing you what was previously marked as Defendant's Exhibit C from Mr. Tuhin's deposition -- D, I'm sorry.

Nada Smith

Defendant's Exhibit D from Mr. Tuhin's deposition. The exhibit sticker is dated October 27, 2014. Do you know if Mr. Tuhin signed a completed version of Exhibit D on the day that you went into the room for one to two minutes?

A. Yes. I saw a few copies of Exhibit D. And I saw a few copies of the bill of sale -- I think it was three or two, but I know it was more than one.

Q. Do you know if those were all specifically for Mr. Tuhin?

A. Yes.

Q. How do you know that?

A. Because he was the only client in there signing paperwork.

Q. So you're not talking about a carbon? You're talking about three different bills of sale?

A. Yes.

Q. Why are there three different bills of sale as to Mr. Tuhin?

A. To my acknowledgment, there's more than one because it's sent out to different

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departments.

Q. But don't they come in terms of duplicates and triplicates?

A. Yes, they do. Like I said, I don't know why Julio had them sign multiple copies, but he told me it's to be sent out to different departments.

Q. Do you know one way or the other if it was a regular practice of New York Motor Group for the entire time you were there, for consumers to sign multiple copies of bills of sale?

A. Yes. Because when I saw it I had actually questioned Julio. I'm like, "Why is there more than one?" He's like, "It's sent out to" -- he named just different departments.

Q. And you saw that as a common practice in New York Motor Group from October 2012 through December 2013?

A. I don't remember it when Angel was working there, because he was there for a short period of time, and I really didn't touch any of the paperwork when he was working there.

Q. But for the entire time that

Nada Smith

Mr. Estrada worked there?

A. Yeah.

Q. When did he start working there?

A. December. I didn't see it when he first started in December. But when I did see it, I had questioned him. And that's what he was doing on a regular --

Q. Regular basis?

A. Mm-hmm.

Q. You have to say "Yes."

A. Yes.

Q. Did you believe he was doing that on a regular basis from December 2012 forward?

A. Yes.

Q. So from the very beginning when Mr. Estrada was working there at New York Motor Group, he would have consumers sign multiple copies of buyer's orders; correct?

A. Yes.

Q. Is it "bill of sale" or "buyer's orders"?

A. Bill of sale.

Q. Documents that are like Exhibit B?

A. Yes.

Nada Smith

Q. Mr. Estrada for the entire time that he worked there beginning in December of 2012, would he have consumers sign multiple copies of retail installment contracts like Exhibit C?

A. No.

Q. How do you know that?

A. Because there was always only one contract in the deal jacket.

Q. By "contract," you mean the retail installment contract?

A. Yes.

Q. I just want to get the terminology straight. What we're calling Exhibit B is that what's called a "bill of sale"?

A. That's what I call a bill of sale.

Q. Just so the record is clear, even if the term is wrong: If you call it a "bill of sale," you mean a document that looks like Defendant's Exhibit B?

A. Yes.

Q. Would you see in the deal file for consumers, from December of 2012 forward, multiple copies of bills of sale?

Nada Smith

A. Yes.

Q. All the way beginning in December of 2012?

A. Like I said, I don't remember the first few months, but when I did notice it I did question Julio, and that's what he had told me.

Q. Let's talk about the deal files. You would physically get the deal files?

A. Yes.

Q. What is a deal file?

A. It has the customer's information in it. DMV paperwork, bank paperwork, customer's paperwork, license, everything like that.

Q. So finance paperwork, you mean things like the buyer's order?

A. Yes.

Q. And retail installment contract?

A. Yes.

Q. And credit applications?

A. Yes.

Q. And statements about people's income?

Nada Smith

A. Yes.

Q. Trade-in information?

A. Yes.

Q. Credit applications?

A. Yes.

Q. Credit reports?

A. Yes -- well, no. Credit reports, they were ran on the computer. They were never printed out. We're not allowed to keep credit reports in the files.

Q. Dealertrack information; would that be in the deal file?

A. Sometimes.

Q. What is Dealertrack?

A. It -- I forget what it was. I remember seeing in a few folders something about Dealertrack. I forgot what it was, it's been so long.

Q. Just generally speaking, do you know what Dealertrack is?

A. If I could refresh my memory, yes. I know, but I don't know right now.

Q. All right. Well, you'll get the chance, I assume.

Nada Smith

MR. KESHAVARZ: Let me strike that.

A. Oh, I'm sorry. Dealertrack is where we submit the customer's applications. There we go.

Q. And would that information be printed out and put in the file?

A. The customer's credit ap, yes, but not the customer's credit report.

Q. The approval process for financing for Mr. Tuhin and consumers generally at New York Motor Group; that is generally done electronically on computers, right?

A. I think so. I don't know. I never did it.

Q. You didn't do it yourself?

A. No.

Q. Would you see in the deal file the credit application information?

A. Yes.

Q. Would you see printouts?

A. I would see a bank printout, whatever bank it is. And it says "approved."

Q. You talked about a two-day gap.

Do you mean a two-day gap between when the deal is approved and when the deal gets funded?

A. No.

Q. What do you mean by a "two-day gap"?

A. When -- I'm not sure, because it wasn't my job, but to my acknowledgment it was after the client signed paperwork, signed everything, and the paperwork was sent to the bank to get -- for the loan to process.

Q. But from New York Motor Group's view the deal is not completed until they actually get the payment from the bank?

A. I don't know how it works.

Q. That's fine. When you saw the buyer's order -- like Exhibit B -- you would see multiple copies for consumers on a regular basis in the deal file; right?

A. Yes.

MR. SIMON: Note my objection. I don't believe she said that was the buyer's order; she said that was a "bill of sale."

THE WITNESS: Oh, yes, a bill of

sale.

MR. KESHAVARZ: That was my mistake. Just to clarify, I defined that in my letters as the "purchase order."

THE WITNESS: Oh, do you?

MR. KESHAVARZ: Whatever it is --

MR. SIMON: She calls it the bill of sale.

Q. Whatever it is, it's a document that looks like Exhibit B; right?

A. Mm-hmm. Yes.

MR. SIMON: But nobody called it the buyer's order.

MR. KESHAVARZ: Purchase order?

MR. SIMON: The purchase order, the final purchase order. The M&T document is the retail installment loan contract.

Q. What would you do with the deal file when you got it?

A. I would file it in the file cabinets.

Q. Would you look at any of the

Nada Smith

papers?

A. Sometimes.

Q. Did you notice if multiple copies of what we're calling the "bill of sale" -- which your counsel may call the "purchase order" -- did you notice if those documents had different numbers on them?

A. I don't think so.

Q. Generally for consumers at New York Motor Group, did you notice one way or the other?

A. If the numbers were different?

Q. Yes.

A. The numbers always matched at the end, but along the lines they weren't always there, but the ending number always matched.

Q. When you say the numbers "weren't always there," what do you mean?

A. For example, like this one -- like Exhibit D.

MR. SIMON: She is referring to the Tuhin documents that were marked as exhibits at Tuhin's deposition.

MR. KESHAVARZ: Correct.

Nada Smith

A. See, this one. [Indicating.]

Q. "This one," looking at Exhibit D.

A. Looking at Exhibit D, it does not have Exhibit B's "4700" charge, but the ending numbers match. So the different charges are not on Exhibit D, but Exhibit D and Exhibit B ending numbers match.

MR. SIMON: No, no, no.

MR. ELTOUBY: [Inaudible]

MR. SIMON: Please let her do it. Don't say anything to her.

Q. For Mr. Tuhin, you remember when you went into the office for two or three minutes that there were multiple copies of what we're calling "bills of sale"?

A. Correct.

Q. Not just carbon copies, but actual different ones?

A. Yes. I don't know if there were three or two, but I know there was more than one.

Q. Did you notice if they were all completed?

A. Yes, they were all completed.

Nada Smith

Q. Do you know why they would be completed with different numbers?

A. No.

Q. Now I'm going to go to the super secret questions that I was handed.

A. Okay.

Q. Ready?

A. Mm-hmm.

Q. Did your father purchase a vehicle just before the protests, if you remember?

MR. SIMON: I didn't hear the question.

Q. The protest we're talking about; do you know if your father had just purchased a vehicle before that?

A. I don't know.

Q. Let's talk about the protests. You said the police were called. Were the police called both times?

A. No, just the first time.

Q. Whichever time it was, did you have any interaction with the police?

A. Yes.

Q. What do you remember from that?

Nada Smith

A. I asked them if they had a permit or if they're allowed to protest. And he said that they are allowed, because it's under a certain number -- that they don't need a permit. And that was really it. And he said that unless it gets violent there's nothing that they can do.

Q. Did they get violent?

A. No.

Q. Do you remember if you went into the cabinets at the dealership and got any financing or sales papers from Mr. Tuhin's deal to show them to the police? Or do you remember that at all?

A. Yes, that actually did happen. It was him and the other client -- I don't remember the other client's name -- that was protesting with him. We pulled both of them to show to the police, because he was asking us why they were angry and why they were doing what they were doing.

I think Mr. Tuhin was telling the police officer what happened and then he was questioning -- my father was there at the time

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and that's when the police officer told my father, "See if you could come to an understanding with him." That's when my father went outside to calm them down, and they walked over to 7-Eleven and the police had left before my dad had went outside.

Q. So did you give the police officer some of the papers that were in the files?

A. Yes, because they wanted to see them.

Q. Did they claim that they weren't given all the papers?

A. I don't remember, I don't remember. I'm just trying to remember, but I don't remember. But I know that the police officers did -- you know, we did show them the paperwork and everything.

Q. Do you recall if you gave the police officer any of the papers?

A. To take with them, no.

Q. You don't recall; or, no, you didn't?

A. We didn't give them paperwork to take with them. We just showed them the

Nada Smith

paperwork.

Q. Do you recall if the police officer actually returned the papers that you showed him or her?

A. Yes.

Q. You remember that?

A. Yes. It's been so long, I'm sorry.

Q. That's fine. All you can do is sitting here today what you remember.

A. That's what I'm trying to do.

Q. That's all you can do.

MR. SIMON: I'm confused. I thought you were asking if the dealership, if she gave the complainant paperwork -- or was it the police officer? I'm now confused by the whole scenario.

A. You were asking if I gave the police paperwork; correct?

Q. Did you give any paperwork to anyone during the protests?

A. No, I don't remember, sorry.

Q. Don't be sorry. If you don't

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remember, you don't remember. Did you give the papers to your father during the protest?

A. I don't remember.

Q. Do you remember giving any of the papers to any of the protesters?

A. No.

Q. No, you don't remember; or, no, you didn't?

A. No, we didn't.

MR. KESHAVARZ: Your father wants to say something.

MR. ELTOUBY: I remember very good when the police officer came.

MR. SIMON: He will depose you afterward.

THE WITNESS: He'll remember more than I will, because he spoke to the police officers and the protesters.

Q. That was one of the super secret questions.

MR. GROSSMAN: Can we take a break, counselor?

MR. KESHAVARZ: Sure. Go ahead.

oOo

Nada Smith

(A discussion is held off the record. Brief recess is taken. Time noted: 3:18 p.m. to 3:30 p.m.)

oOo

Q. So we were talking about conversations with Mr. Tuhin earlier.
A. Correct.
Q. And we talked about the first time you met him when he first signed the papers. Do you remember that?
A. Correct.
Q. And then we talked about when you met him during the protests; do you remember that?
A. Correct.
Q. Did you see him at any time between those two appointments?
A. Not between the protests, no.
Q. After the protests?
A. Yes.
Q. What do you remember about that?
A. I remember seeing him again. He came in because he had came to an agreement with my father, and he came in to see Julio and

Nada Smith

my -- no, he just came in to see Julio, because my father explained to him what the understanding was that they came to.

Q. How do you know your father explained to him the understanding that he came to?

A. Because my father went into Julio's office and told him. I don't know what was said, but I know he was explaining to him that they came to an understanding.

Q. Is that the time he was crying, or a different time?

A. No. The first time he was crying, I wasn't really talking to him. He was talking to the sales manager and toward the end when he was leaving, I had noticed that he was crying. I asked the sales manager what was going on, and he had explained to me. That was the first time that he came in after he purchased the vehicle.

Q. Who was the sales manager?

A. At the time it was Mohammed.

Q. Do you know what Mohammed's last name is?